Remarks

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

Status of All of the Claims

Below is the status of the claims in this application.

1.   Claim(s) pending: 1-10 and 28-39.

2.   Claim(s) canceled: 31-33 and 38.

Initially, the Applicant wishes to thank the Examiner for allowing claims 1-10, 28-30, and 39 in the "Allowable Subject Matter" section on page 2 of the Office Action. In light of the Examiner's rejection, applicant has reviewed the supporting specification in light of the rejected claims. As a result, applicant has cancelled claims 31-33 and 38. However, the Applicant believes that pending claims 34-37 are supported by the application as originally filed and as such are in condition for allowance.

Claim Rejections

Independent Claim 34

Under "Claim Rejections – 35 USC§ 112" on page 2 of the Office Action, claims 34-36 were "rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention." In particular, it was alleged that the invention was "not disclosed in detail or otherwise in the spec how the multiple steps recited in these claims are performed to obtain the claimed results."

It is well-settled law that the Patent Office has the initial burden of showing that a claim fails to satisfy the written description requirement. See, Manual of Patent Examining Procedures 8th Edition (MPEP) §2163.04. One purpose of the written description requirement is to assure that the inventors were in possession of the invention being claimed at the time the application was filed. "To fulfill the written description requirement, the patent specification must describe an invention in sufficient detail that one skilled in the art can clearly conclude that the inventor

invented what is claimed." *Cordis Corp. v. Medtronic AVE Inc.,* 67 USPQ2d 1876, 1885 (Fed. Cir. 2003). However, the disclosure, as originally filed, does not have to provide in *haec verba* or exact language support for the claimed subject matter at issue. *See, Id.* and *Fujikawa v. Wattanasin,* 93 F.3d 1559, 1570, 39 USPQ2d 1895 (Fed. Cir. 1996). Rather, as noted in §2163 of the MPEP, "[t]o satisfy the written description requirement, a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can <u>reasonably</u> conclude that the inventor had possession of the claimed invention. *See, e.g., Vas-Cath, Inc. v. Mahurkar,* 935 F.2d at 1563, 19 USPQ2d at 1116." (emphasis added). Further, it is well settled law that the application must only enable those skilled in the art, not the general public. Therefore, it is not necessary for the application to include what is well known in the art, *Lindemann Maschinenfabrik v. American Hoist & Derrick Co.,* 730 F.2d 1452, 1463, 221 USPQ 481, 489 (Fed. Cir. 1983), or what is already in the minds of those skilled in the art. *In re Smythe,* 480 F.2d 1376, 1384, 178 USPQ 279, 285 (CCPA 1973).

In traversal, the Applicant submits that the originally filed specification supports claim 34 and thus satisfies the written description requirement. Claim 34 recites multiple speech recognition engines residing on separate servers and a telephony server for translating to and from the specific syntax required by each engine. Specifically, the Applicant points the Examiner to the following sections of the specification for support of the elements of claim 34.

With respect to the multiple speech recognition servers and their arrangement, the specification describes, with reference to FIG. 2, that "Speech Recognition Servers 26 in one embodiment each include speech recognition subsystem 60. Recognition subsystem 60 could alternatively or additionally be included on one or more Telephony Servers 24, one or more dedicated servers, or distributed across servers." [page 7, lines 12-15].

With respect to the telephony server described by claim 34, the specification describes a "Recognition subsystem 60" which "includes a vendor-neutral application programming interface (API) 62 that provides as a common interface for requesting and coordinating speech recognition operations." [page 7, lines 15-17]. Particularly, the specification describes that "Engine integration modules 64 are provided for a variety of supported speech recognition engines, with each module 64 including logic for translating from the vendor-neutral syntax to the specific syntax required by the particular vendor, which could be a vendor-proprietary or industry standard syntax" with respect to translation of vendor-neutral interfaces <u>to</u> a specific

syntax required by each of the multiple recognition engines. [page 7, lines 17-20]. The specification then goes on to describe numerous exemplary industry standard which may be involved as one part of the translation on lines 1-5 of page 8. Conversely, the specification describes that "Each supported vendor engine or industry standard has an engine integration module 64 for translating the common vendor-neutral interface to and from the specific syntax (vendor-specific or industry standard syntax) required by the vendor engine. For example, each engine integration module 64 can have logic for translating the vendor-neutral interface into engine specific API commands, grammars, and/or semantic interpretation scripts, as well as logic for converting recognition results from the vendor-specific format into the vendor-neutral format. As one non-limiting example, engine integration module 64 could return a recognition result in an XML document which is then interpreted by Telephony Server 24a." with respect to translation of vendor-neutral interfaces from the specific syntax required. [page 8, lines 5-13]. As additional support, the specification describes a process for demonstrating the stages involved in translating a speech recognition request from a vendor-neutral API syntax into a vendor-required syntax with respect to FIG. 9. [page 17, line 13 – page 18, line 16].

In addition to the reasons given above, other reasons support the patentability of the claims which depend from claim 34, namely claims 35-36. For example, with respect to claim 35, the specification describes that "engine integration modules 64 support speaker identification and verification to identify and verify who is speaking and then allow certain actions to occur or be restricted based on the identification" and furthermore that "engine integration modules 64 accept a particular syntax for indicating that speaker identification and verification is desired as part of the recognition operation for the particular engine. Other variations for indicating and performing speaker identification and verification could also be supported." [page 8, lines 14-19].

Further supplementing the above-referenced portions of the specification, the originally filed claims are considered part of the original application, and thus, by themselves are able to satisfy the written description requirement. *In re Gardner*, 480 F.2d 879, 178 USPQ 149 (CCPA 1973); *In re Beeno*, 768 F.2d 1340, 1346, 226 USPQ 683, 686 (Fed. Cir. 1985). As such, the disclosure of providing multiple requests to at least two of the multiple speech recognition engines at the same time is supported sufficiently to enable one of skill in the art to understand and practice the claimed invention using commonly known techniques such as multi-threading or

the like, as it is well settled law that the application must only enable those skilled in the art, not the general public. Therefore, it is not necessary for the application to include what is well known in the art, *Lindemann Maschinenfabrik v. American Hoist & Derrick Co.,* 730 F.2d 1452, 1463, 221 USPQ 481, 489 (Fed. Cir. 1983), or what is already in the minds of those skilled in the art. *In re Smythe,* 480 F.2d 1376, 1384, 178 USPQ 279, 285 (CCPA 1973).
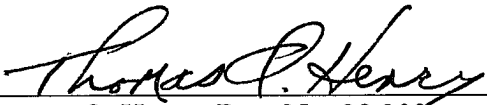
Independent Claim 37

Independent claim 37 covers a method of using a telephony system which hosts multiple recognition engines for use with a caller based upon their individual features. The specification describes the use of this system beginning on page 18 at line 17. The specification describes examples where "a more expensive engine is used for certain natural language processing and a cheaper engine is used for numeric processing" or "one engine is used for handling requests in one language, such as English, while another engine is used to provide support for another language, such as Russian." [page 18, lines 20-22]. In conjunction with the cited disclosure, it is well settled law that the application must only enable those skilled in the art, not the general public. Therefore, it is not necessary for the application to include what is well known in the art, *Lindemann Maschinenfabrik v. American Hoist & Derrick Co.,* 730 F.2d 1452, 1463, 221 USPQ 481, 489 (Fed. Cir. 1983), or what is already in the minds of those skilled in the art. *In re Smythe,* 480 F.2d 1376, 1384, 178 USPQ 279, 285 (CCPA 1973). Therefore, the application need not disclose the known method for routing the calls to a first engine and subsequently a second engine for purposes of processing various types of speech for a connected user.

Closing

It should be understood that the above remarks are not intended to provide an exhaustive basis for patentability or concede the basis for the rejections in the Office Action, but are simply provided to overcome the rejections made in the Office Action in the most expedient fashion.

In conclusion, reconsideration and allowance of this application is requested in view of the remarks made herein. Specifically, claims 34-37 and 39 are now believed to be in condition for allowance. If there are any outstanding issues the Examiner is invited to contact the undersigned attorney by telephone for their resolution.

Respectfully submitted,

By _____

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